

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-15-020
	§	
RICHARD WAYNE BARTON	§	

ORDER OF DETENTION PENDING TRIAL

On September 25, 2015, this Court conducted a hearing on the Government's Motion to Detain **Richard Wayne Barton**, the named Defendant in the above-styled and numbered cause. The Government offered the testimony of Dewayne Lewis, Special Agent with the Office of Homeland Security. The Defendant proffered evidence of his family's support. The Court also made the Pretrial Services report, which had recommended release, a part of the record for purposes of the detention hearing only. Having now considered the evidence, the initial recommendation of the Pretrial Services Agency, and the arguments of counsel, this Court issues the following findings of fact and conclusions of law:

1. That pursuant to the indictment there is probable cause to believe that **Barton** has committed the offenses of distribution, receipt and possession of child pornography in violation of 18 U.S.C. § 2252(A)(a)(2)(B);
2. That by virtue of the foregoing finding a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person in the community was created in favor of **Bartons'** detention, 18 U.S.C. § 3142(e);
3. That the strength of the government's case is substantial given **Bartons'** confessions and the forensic discovery of evidence of his extensive posting and trading of hundreds of images of child pornography;

4. That it appears from the evidence that **Barton** began his activities again after he knew he was under investigation and after his original computers had been seized by the Government as part of that investigation;
5. That no evidence offered by **Barton** rebuts the presumption for detention as a danger to the community if Burns were to be released;
6. That the credible evidence and information submitted establishes by clear and convincing evidence that there is no condition or combination of conditions which could be imposed upon **Barton** by this Court to reasonably assure the safety of the community if he were released.

It is, therefore, **ORDERED** that **Richard Wayne Barton** be, and he is hereby, committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is further **ORDERED** that the **Richard Wayne Barton** shall be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility shall deliver the **Richard Wayne Barton** to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

DONE at Galveston, Texas, this 28th day of September, 2015.



JOHN R. FROESCHNER
UNITED STATES MAGISTRATE JUDGE